

REMARKS

In view of the above amendment, Applicant believes the pending application is in condition for allowance. Claims 13-26 are now present in this application, of which claim 13 is independent. By this amendment, the specification has been amended, claims 1-12 have been canceled, without prejudice or disclaimer, and claims 13-26 have been added.

Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. § 119

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

Information Disclosure Citation

Each of the two Information Disclosure Statements filed by Applicant to date has been considered by the Examiner, and initialed PTO-SB08 forms have been provided by the Examiner. Therefore, no outstanding issues remain with respect to the consideration of the Information Disclosure Statements.

Objection to the Drawings

The Examiner has objected to the drawings because they fail to include reference signs mentioned at various locations in the specification and identified by the Examiner. In addition, the specification refers to element "R", however, Fig. 2.6 only contains elements R₁ and R₂.

In order to overcome this objection, Applicant contacted the Examiner to indicate that the reference numbers noted by the Examiner do appear in the corresponding figures, such as, for example, reference 1 is shown in Fig. 2.10. In addition, the specification has been amended to make reference to elements R₁ and R₂. Applicant respectfully submits that the objections raised by the Examiner have been addressed. Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

Specification Amendments

Applicant has amended the specification to provide proper antecedent support for the claim amendments. No new matter has been added. In addition, the specification has been amended as noted above to correct reference to elements R_1 and R_2 .

Rejection Under 35 U.S.C. § 112, 1st Paragraph

Claims 1-12 stand rejected under 35 U.S.C. § 112, 1st Paragraph. This rejection is respectfully traversed.

In order to overcome this rejection, Applicant has canceled claims 1-12 and added claims 13-23 to address the rejections raised by the Examiner and to better comply with U.S. practice. Applicant respectfully submits that the claims, as amended, are fully supported by and adequately described in the written description of the invention.

With regard to the language “semi-axis”, Applicant submits that the claim 13 defines the semi-axes by reciting “each axis of the three-dimensional, rectangular Cartesian coordinate system is defined by two semi-axes extending in opposite directions from the geometric center of the solid.” Support for this limitation can be found at page 2, lines 17-20.

With regard to the language:

- either $N=2k$ and said solid has an even number of N layers visible to the user per direction, plus one additional layer in each direction, the intermediate layer not being visible to the user,
- or $N=2k+1$ and said solid has an odd number of N layers per direction that are all visible to the user,

set forth in independent claim 1, Applicant respectfully submits that one of ordinary skill in the art would understand the meaning of these limitations as they are clearly described in the paragraph beginning on page 2, line 21 and in the paragraph beginning on page 3, line 28. Examples of this distinction can also be found by comparing **cubic logic toy No 2** described at page 8, line 13, to page 9, line 3 to **cubic logic toy No 3** described at page 9, lines 4-27.

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejection Under 35 U.S.C. § 112, 2nd Paragraph

Claims 1-12 stand rejected under 35 U.S.C. § 112, 2nd Paragraph. This rejection is respectfully traversed.

The Examiner has set forth certain instances wherein the claim language lacks antecedent basis or is not clearly understood.

In order to overcome this rejection, Applicant has canceled claims 1-12 and added new claims 13-23.

With regard to the confusion over the limitation “is spherically cut when not visible to the user,” Applicant respectfully submits that this limitation is taken out of context. Claim 1, as amended, now recites “a first part that is outermost with regard to the geometric centre of the solid, the outer surfaces of said first part being either substantially planar, when they form part of the solid's external surface and are visible to the user or spherically cut, when they are not visible to the user.” As such, one of ordinary skill in the art would understand that the surface of the first part are either substantially planar or have a spherical shape cut-out.

Applicant respectfully submits that the new claims particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Allowable Subject Matter

The Examiner states that claims 1-12 would be allowable over the art of record. Accordingly, Applicant assumes that claims 13-23 are also allowable.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chad D. Wells, Registration No. 50,875, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

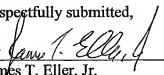
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: February 17, 2009

CSW

Respectfully submitted,

By


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